

App. No. 09/736,988
Response Dated: March 8, 2005
Reply to Office Action of December 8, 2004

REMARKS/ARGUMENTS

The Office Action mailed December 8, 2004 has been received and the Examiner's comments carefully reviewed. The Office Action rejected Claims 1-14. Claims 15-20 have been added. No new matter has been added. For at least the following reasons, Applicants respectfully submit that the pending claims are in condition for allowance.

Objection to Specification

The Office Action objected to the title of the invention as not being descriptive. Applicants respectfully disagree, but have amended the title to "METHOD FOR AUTOMATIC TUNING OF TCP RECEIVE WINDOW BASED ON A DETERMINED BANDWIDTH." It is submitted that the title as currently amended is descriptive and is clearly indicative to which the claims are directed and respectfully requests the objection to be withdrawn.

Claim Rejections under 102(e)

The Office Action rejected Claims 1-14 under 35 U.S.C. 102(e) as being anticipated by Klassen et al (hereinafter "Klassen") (U.S. Patent No. 6,711,137). Applicants respectfully disagree and submit the following arguments.

The Office Action states that Klassen teaches "automatically tuning the size of the TCP window" (abstract, column 7, lines 49-55 and column 8 lines 33-37) "determining a bandwidth of a network connection (figure 1; and column 7 line 66 to column 8 line 2); and automatically tuning the size of the TCP receive window based on the determined bandwidth (figure 1; column 8 lines 7-19; column 13 lines 21-44; and column 19 lines 11-48)". After carefully reviewing the sections of Klassen pointed out by the Office Action, the Applicants respectfully submit that Klassen does not discuss "automatically tuning the size of the TCP window based on the determined bandwidth."

Klassen is directed at evaluating a communication network (see column 4, lines 6-16 and column 19, lines 11-48). Klassen does discuss window sizes but does not teach "automatically

App. No. 09/736,988
Response Dated: March 8, 2005
Reply to Office Action of December 8, 2004

tuning the size of the TCP receive window based on the determined bandwidth” as recited in Claim 1. In the abstract, Klassen discusses a “determination of tuning recommendations for recommended window size for file transfer to fill remaining capacity.” Klassen is not “automatically tuning the size of the TCP window.” Klassen is merely providing recommendations. Klassen, at column 9, lines 4-9, recites “[t]he data that is obtained and stored is also used for network tuning recommendations (e.g., connection window sizes) and to assist in problem determination and capacity planning (e.g., determining the network utilization level at which a specified service level will be compromised).” Again, Klassen is only providing recommendations. Merely providing recommendations on a window size is not “automatically tuning the size of the TCP receive window based on the determined bandwidth” as recited in Claim 1.

The Office Action rejected Claim 3 by relying on column 3 lines 39-49; column 13 lines 21-44; and column 19, lines 11-48 of Klassen. As discussed above, Klassen does not teach “determining the size of the TCP receive window based on the determined bandwidth; and setting the size of the TCP receive window to the determined size” as recited in Claim 3. While it is acknowledged that Klassen discusses various window sizes and provides formulas for determining various window sizes, Klassen only uses the results as recommendations for window sizes. Klassen is merely calculating window sizes without actually adjusting the window.

The Office Action rejected Claim 4 by stating that Klassen teaches the step of “accessing the size of the TCP window from a look-up table” at column 6 lines 29-40 and column 8 line 60 to column 9 line 10. Klassen, does not, however, teach accessing a look-up table. Column 6 lines 29-40 merely talks generally about deriving window sizes and not “accessing the size of the TCP window from a look-up table.” Column 8 line 60 to column 9 line 10 of Klassen talks about storing network performance data but this is NOT “a look-up table.”

App. No. 09/736,988
Response Dated: March 3, 2005
Reply to Office Action of December 8, 2004

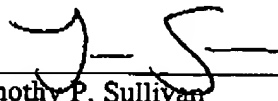
The Office Action rejected Claim 6 relying on column 8 line 60 to column 9 line 11; column 12 lines 21-44; and column 15 lines 23-36. It is clear, however, from the above discussion, that Klassen does not teach "automatically tuning the size of the TCP window."

The Office Action rejected claims 7-10 for the reasons set forth for claims 1-4 and 6 "since claims 7-10 are merely a computer readable medium having instructions for controlling the method of operations defined in the claims 1-4 and 6." A similar rejection was made ~~the~~ apparatus claims. Applicants respectfully disagree. The computer readable medium claims are different in scope as compared to the method claims as are the system claims. The Applicants, however, submit that the remarks above overcome any rejection made with regard to Klassen. Should the Examiner disagree, the Applicants respectfully request that these claims be addressed individually.

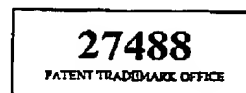
In view of the foregoing remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.


Timothy P. Sullivan
Registration No. 47,981
Direct Dial: 206.342.6254

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200



**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☒ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.